

[D.I. 118 in 19-12002]
[D.I. 102 in 20-1118]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

AUDRA CAPPS and DOUGLAS ROBERT
GIBSON, JR.,

Plaintiffs,

v.

JOSEPH DIXON, et al.,

Defendants.

Civil No. 19-12002 (RMB/AMD)

TANIKA JOYCE,

Plaintiff,

v.

JOSEPH DIXON, et al.,

Defendants.

Civil No. 20-1118 (RMB/AMD)

ORDER

This matter having come before the Court by way of motion [D.I. 118 in Civil Action No. 19-12002; D.I. 102 in Civil Action No. 20-1118] for sanctions filed by Plaintiffs against Defendant Joseph Dixon based upon Dixon's alleged spoliation of electronically stored information; and the Court having held a telephone conference on May 12, 2022, with all counsel appearing as set forth on the record; and the Court at that time having

issued an opinion on the record addressing Plaintiffs' motion for sanctions; and for the reasons set forth on the record; and for good cause shown:

IT IS on this **13th** day of **May 2022**,

ORDERED that Plaintiffs' motion [D.I. 118 in Civil No. 19-12002; D.I. 102 in Civil No. 20-1118] for sanctions shall be, and is hereby, **GRANTED** in part and **DISMISSED WITHOUT PREJUDICE** in part; and it is further

ORDERED that the motion is granted insofar as Plaintiffs request that Defendant Dixon's cloud data be downloaded, reviewed by Defendant Dixon and defense counsel, and that any relevant information be produced as set forth on the record on May 12, 2022; and it is further

ORDERED that the motion is dismissed with respect to any other relief requested by Plaintiffs in the motion at this time, without prejudice to Plaintiffs' right to file a renewed motion pending resolution of the preservation and conflict issues related to Defendant Dixon's testimony as set forth on the record and pending review of any cloud data that is produced; and it is further

ORDERED that Defendant Dixon shall download the cloud data and review such data with his attorney, shall provide any relevant text messages to Plaintiffs' counsel, and shall file a

status letter with the Court by no later than **June 2, 2022**, as set forth on the record on May 12, 2022; and it is further

ORDERED that counsel for Defendant Dixon shall order a copy of the transcript of the telephone conference held on the record on May 12, 2022, shall review such transcript with Defendant Dixon, and shall advise the Court concerning whether counsel can continue to represent Defendant Dixon in these matters by no later than **June 2, 2022**; and it is further

ORDERED that the parties are directed to review Local Civil Rule 5.3 and shall, by no later than **May 26, 2022**, file with the Court a joint status letter concerning sealing of the papers submitted in connection with Plaintiffs' prior motion to compel Defendant City of Millville to produce internal affairs files and Exhibit P to the motion for spoliation sanctions.

s/ Ann Marie Donio
ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Renée Marie Bumb